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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOEL MINAYA,

Defendant.

SUPERSEDING INFORMATION

: S1 08 Cr. 33 (HB)

COUNT ONE

The United States Attorney charges:

1. From at least in or about 2003, up to and including in or about 2007, in the Southern District of New York and elsewhere, JOEL MINAYA, the defendant, and others known and unknown, unlawfully, intentionally and knowingly, did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOEL MINAYA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

3. It was further a part and an object of the conspiracy that JOEL MINAYA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more

of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The United States Attorney further charges:

4. On or about February 7, 2006, in the Southern District of New York, JOEL MINAYA, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

COUNT THREE

The United States Attorney further charges:

5. From in or about May 2004, through in or about August 2004, in the Southern District of New York, JOEL MINAYA, the defendant, unlawfully, intentionally, and knowingly, did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A); Title 18, United States Code, Section 2.)

FORFEITURE ALLEGATION

4. As a result of committing the controlled substance offenses alleged in Counts One through Three of this Superseding Information, JOEL MINAYA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One through Three of this Superseding Information.

Substitute Asset Provision

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant -

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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(Title 21, United States Code, Sections 812,
841(a)(1), 841(b)(1)(A), and 846;
Title 18, United States Code, Section 2.)

MICHAEL J. GARCIA
United States Attorney.

7/3/08 Filed Information & Waiver of Indictment.
Def. Pres. Wally Edward Tolson & AUSA Kenneth
Pettie Pres. Counterparts Pres. Self. Filed Consent to
Proceed before Mag. Judge. Def. Pleads Guilty
Sentencing cont'd. Sentence set for 11/3/08 before
Judge Kee. S. Rep. f. lot